

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

SIMPLEAIR, INC.                               \*     Civil Docket No.  
   \*     2:13-CV-587  
VS.   \*     Marshall, Texas  
   \*     March 19, 2014  
   \*       
GOOGLE, INC.                                 \*     1:16 P.M.

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:           MR. GREGORY DOVEL  
                                  MR. JEFFREY EICHMANN  
                                  Dovel & Luner  
                                  201 Santa Monica Blvd.  
                                  Suite 600  
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                                  MS. ELIZABETH DERIEUX  
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FOR THE DEFENDANTS:       MR. MITCHELL STOCKWELL  
                                  MR. RUSSELL KORN  
                                  Kilpatrick Townsend & Stockton  
                                  1100 Peachtree Street, Suite 2800  
                                  Atlanta, GA     30309

APPEARANCES CONTINUED ON NEXT PAGE:

COURT REPORTERS:           MS. SHELLY HOLMES, CSR  
                                  MS. SUSAN SIMMONS, CSR  
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(Proceedings recorded by mechanical stenography, transcript  
produced on CAT system.)

1 APPEARANCES CONTINUED:

2 FOR THE DEFENDANTS: MS. DANIELLE WILLIAMS  
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5 MS. JENNIFER PARKER AINSWORTH  
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7 Tyler, TX 75701

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9  
10 P R O C E E D I N G S

11  
12 COURT SECURITY OFFICER: All rise.

13 THE COURT: Be seated, please.

14 While the Court was at lunch, a note was received from  
15 the jury stating, quote, can we please have access to a  
16 calculator? Signed Jerry Calhoun, foreperson.

17 My staff notified counsel for both sides by telephone  
18 that a calculator would be sent into the jury, and the CSO,  
19 Court Security Officer, in response delivered a calculator to  
20 the jury about 12:30.

21 Since then, we have received the following: We have  
22 reached a verdict. It's also signed by Mr. Calhoun as  
23 foreperson.

24 And I will hand both of these notes to the courtroom  
25 deputy to be made a part of the file in this case.

1           And with that, Mr. McAteer, if you'd bring in the  
2 jury, please.

3           COURT SECURITY OFFICER: All rise for the jury.

4           (Jury in.)

5           THE COURT: Please be seated, ladies and gentlemen.

6           Mr. Calhoun, I understand that you're the foreperson  
7 of the jury; is that correct?

8           THE FOREPERSON: Yes, Your Honor.

9           THE COURT: Has the jury reached a verdict?

10          THE FOREPERSON: Yes, Your Honor.

11          THE COURT: In that case, would you give the completed  
12 and signed verdict form to the Court Security Officer who will  
13 bring it to me?

14          Ladies and gentlemen, I'm about to announce the  
15 verdict at this time. I'd like to ask each juror to listen  
16 very carefully because after I've announced the verdict, I'm  
17 going to ask each of you if this is your verdict so that we  
18 can confirm for the record that the verdict is, in fact,  
19 unanimous.

20          Turning to the completed verdict form, I first find  
21 that it is dated and signed with today's date by Mr. Calhoun as  
22 the foreperson of the jury. The verdict contains the one  
23 question only.

24          Which sum of money if now paid in cash do you find  
25 from a preponderance of the evidence would fairly and

1 reasonably compensate SimpleAir for Google's infringement of  
2 patent -- of the '914 patent? Answer in dollars and cents.  
3 The answer is \$85 million.

4 Ladies and gentlemen, let me poll you to make sure  
5 this is the jury's unanimous verdict, and it is the decision of  
6 all eight members of the jury. If this is your verdict as  
7 you've just heard me read it, would you please stand?

8 (Jury polled.)

9 Thank you. Be seated.

10 Please let the record reflect -- reflect that upon  
11 being asked if this was the jury's verdict, that all eight  
12 members of the jury immediately stood and rose to affirm that  
13 it was their verdict. The Court finds that this is the  
14 unanimous verdict of the jury.

15 Ladies and gentlemen, this now completes the trial of  
16 this case. From the very beginning, I've instructed you  
17 repeatedly about not discussing the case until you retired to  
18 deliberate and only then discussing it among yourselves. I'm  
19 now releasing you from those obligations. You are free to talk  
20 about this case with yourselves, with your friends, your  
21 family, with anybody you want to.

22 By the same token, you are also free not to discuss  
23 this case with anybody, and that is a matter of your choosing.  
24 I want you to understand that the practice in this court is  
25 that once you are released from your service as jurors that the

1 lawyers in this case cannot initiate a conversation with you  
2 about your service as jurors. If you want to talk about this  
3 case with any of the lawyers that have been involved in the  
4 trial, then you will need to initiate a conversation with them.  
5 If you do not initiate a conversation with them, they will not  
6 initiate a conversation with you.

7           So you are free to talk about the case; you are free  
8 not to talk about the case. It is your decision, and it is  
9 left totally up to you. I know the lawyers would be interested  
10 to hear your thoughts and comments, but, again, that is solely  
11 your prerogative and your decision to make.

12           On behalf of the Court and the entire Court staff,  
13 ladies and gentlemen, I want you to know how much we very truly  
14 appreciate your service. This is an important case to both  
15 parties. You have paid very close attention throughout the  
16 trial. I have watched you carefully. You have rendered very  
17 valuable and important public service as members of our  
18 community and as American citizens, and you should be  
19 rightfully proud of the role you've played in this trial. You  
20 have in a very real way supported our United States  
21 Constitution by your participation and service as jurors in  
22 this case.

23           Even though I am releasing you from your service as  
24 jurors, I also have a final request I want to make before you  
25 leave, and that is this, my practice since coming onto the

1 bench is after a verdict has been returned to ask the members  
2 of the jury after they've been released to return to the jury  
3 room for just a few minutes and give me the privilege of coming  
4 in and shaking each one of you by the hand and telling you  
5 face-to-face thank you for your service. And if you would be  
6 willing to give just a few minutes for that purpose, I would  
7 very much appreciate it. You're not required to, and if you  
8 want to leave the courthouse, you are free to leave the  
9 courthouse.

10 But if you would give me just a few minutes, I'd like  
11 to bring my law -- my law clerks with me and my staff and  
12 introduce them to you and thank you for your service  
13 personally, because it is that important, and it's worth the  
14 effort and the attention for you to be thanked individually, at  
15 least in my view.

16 So if you are agreeable with that, I'll ask you to  
17 retire to the jury room. Your service as jurors is complete,  
18 and you are discharged in this case.

19 Thank you, ladies and gentlemen.

20 COURT SECURITY OFFICER: All rise.

21 (Jury out.)

22 THE COURT: For the record, I'll hand the original  
23 signed verdict form to the courtroom deputy to be made a part  
24 of the papers in this case. That completes the trial of this  
25 case.

1 Counsel, you are excused.  
2 (Court adjourned.)  
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CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of my ability.

3/19/14

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SHELLY HOLMES  
OFFICIAL REPORTER  
State of Texas No.: 7804  
Expiration Date: 12/31/14